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FISCAL IMPACT REPORT

ORIGINAL DATE 2/8/2006

SPONSOR Begaye LAST UPDATED _____ HB 787

SHORT TITLE Tribal Land Forensic Investigation SB _____

ANALYST McOlash

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$250.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to: HB 526, SB 697

SOURCES OF INFORMATION

LFC Files

Responses Received From

Indian Affairs Department (IAD)

Department of Health (DOH)

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 787 appropriates \$250,000 from the General Fund to the Board of Regents of the University of New Mexico for the Office of the State Medical Investigator (OMI) for expenditure in FY 2007 to conduct forensic investigations and related services as requested by Indian nations, tribes, or pueblos in New Mexico.

FISCAL IMPLICATIONS

The appropriation of contained in this bill is a recurring expense to the General Fund. .

Any unexpended or unencumbered balance remaining at the end of FY 2007 shall revert to the General Fund.

SIGNIFICANT ISSUES

The Office of the Medical Investigator (OMI) is department of the University of New Mexico's School of Medicine, which is also under the oversight of the UNM Board of Regents. There is also a Board of Medical Investigators consisting of the of the Dean of the School of Medicine, the Secretary for the Department of Health, the Chief of the New Mexico State Police, the Chairman of the New Mexico Board of Thanatopractice, and the Director of the New Mexico Office of Indian Affairs. (NMSA 24-11-1, *et seq.*)

OMI provides forensic investigation and other services to state law enforcement, counties and municipalities for "no fee" as a state entity because of the criminal jurisdiction that state law enforcement officers have in investigating death related incidences. They are the only state forensic investigation entity in New Mexico. There are 22 Indian Tribes and Pueblos within the state of New Mexico. The sovereign status of federally recognized Indian tribes precludes most states from exercising criminal jurisdiction in Indian Country over Indian persons. As a result, OMI charges "consultation" fees for their services to Indian tribes and pueblos. These "consultation fees" are a financial burden to these tribes.

RELATIONSHIP

Senate Bill 697 creates a tribal forensic investigation fund to be administered by the Secretary of Indian Affairs to pay for extraordinary and unusual services provided by the Office of the Medical Investigator.

The Executive Budget includes fifty thousand dollars (\$50,000) from the General Fund for the Indian Affairs Department and the Office of the Medical Investigator to conduct forensic investigations and related services.

House Bill 526 is a virtual, but not exact, duplication of HB 787. The content is the same but the word order is slightly changed.

BMC/nt:mt